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Law Enforcement in Cases of Maltreatment of Minors According to Positive Law and Islamic Law Case Study of Decision Number 4/Pid.Sus/2022/Pn Tte, Decision Number 39/Pid.Sus-Anak/2021/Pn Mks, and Decision Number 12/Pid.Sus/2022/Pn Soe

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Abstract: Law enforcement against child abuse crimes in Indonesia still faces various challenges, although the Child Protection Law has provided a strong legal basis. This study aims to analyze the application of law in cases of child abuse based on positive law and Islamic law, and to assess the influence of social and cultural factors that influence the law enforcement process. The research method used is a normative approach with a literature study, in which three court decisions are analyzed as case studies, namely Decision Number 4 / Pid.Sus / 2022 / PN Tte, Decision Number 39 / Pid.Sus-Anak / 2021 / PN Mks, and Decision Number 12 / Pid.Sus / 2022 / PN Soe. The results of the study show variations in the application of sanctions, especially in cases involving child perpetrators and the influence of a culture that is permissive of violence. These factors show inconsistencies in law enforcement that can impact public perceptions of justice. Islamic law offers an alternative approach through the concept of restorative justice, which emphasizes victim recovery and perpetrator rehabilitation, and has the potential to be integrated into the national legal system to strengthen the effectiveness of child protection. This study recommends improving rehabilitation programs for child perpetrators, educating the public to change permissive attitudes towards child abuse, and adopting Islamic legal principles that are oriented towards recovery in the national legal system. These recommendations are expected to strengthen legal protection for children in Indonesia and support the creation of a legal system that is more just and responsive to the rights of children as victims of violence.

Keyword: Law Enforcement, Child Abuse, Positive Law, Islamic Law, Restorative Justice.

INTRODUCTION

Child protection is an important aspect of the national and international legal system. Children, as a vulnerable group, have rights that must be protected from all forms of violence and abuse (Hasan et al., 2023). In Indonesia, the protection of children is comprehensively

regulated in various laws and regulations, with Law No. 23/2002 on Child Protection, which has been updated through Law No. 17/2016, as the legal basis. The law provides a foundation for law enforcement efforts aimed at protecting children from acts of violence, including maltreatment (Rahim, 2022). However, in practice, law enforcement against cases of child abuse and maltreatment is often faced with various challenges, such as weak application of the law, lack of public understanding, and inconsistency in imposing sanctions (Sarmadi, 2024).

Data from the Indonesian Child Protection Commission (KPAI) shows that cases of violence against children continue to increase every year. Although there are laws governing child protection, the reality on the ground shows that violence against children still occurs frequently (Retyawan, 2024). This illustrates the ineffectiveness of law enforcement that should provide maximum protection for children. One form of violence that is often a concern is physical abuse of minors, which can cause long-term physical and psychological impacts on victims (Alifa et al., 2024). On the other hand, perpetrators often do not receive sanctions commensurate with the impact caused, thus not providing an adequate deterrent effect (Retyawan, 2024).

Previous research on law enforcement against child abuse in Indonesia has shown inconsistencies in the sanctions imposed on perpetrators of child abuse. A study by Rizky showed that although the law provides for criminal penalties for perpetrators of violence against children, implementation at the court level often shows significant variation in the penalties imposed (Rizky & Pratama, 2024). This can be caused by factors such as the social background of the perpetrator, the age of the perpetrator, and the judge's perception of the impact of the violence committed. Another study by Ajifirdani revealed that economic and educational factors also play an important role in determining how severe sanctions are imposed in cases of violence against children (Ajifirdani, 2023).

In addition to positive law, Islamic law also has a major influence on law enforcement in Indonesia. Islamic law strictly prohibits all forms of violence against children and emphasizes the importance of their protection (Umar, 2024). In the perspective of Islamic law, children are considered a mandate that must be preserved and maintained. Various provisions in the Qur'an and Hadith confirm that acts of violence against children are against the principles of sharia (Nasoha et al., 2024). However, in practice, the application of Islamic law in the Indonesian criminal law system is often limited, especially in cases that are not explicitly regulated in national legislation (Ismallah, 2024).

This research offers scientific novelty by examining law enforcement in child abuse cases from the perspective of positive law and Islamic law. Most existing studies only discuss aspects of positive law, without considering how Islamic law can contribute to improving the quality of law enforcement. Thus, this research tries to provide a more comprehensive perspective by conducting a comparative analysis of the two legal systems. In addition, this research will also look at the extent to which Islamic law can be integrated in the practice of law enforcement in Indonesia for cases of violence against children, which has been dominated by the application of positive law.

Related to the research problem, there are several main questions to be answered in this research: (1) Have the sanctions imposed in cases of violence against children under positive law provided adequate protection for victims? (2) How does the effectiveness of law enforcement between positive law and Islamic law compare in providing protection for children? (3) How can Islamic law be integrated into the national legal system to strengthen law enforcement in cases of violence against children?

To answer these questions, this research will use a normative approach with literature study as the main method. Primary legal materials used include laws and regulations, especially the Child Protection Law, as well as court decisions that become case studies (Tan, 2021). In addition, secondary legal materials used are literature discussing criminal law, child protection,

and Islamic law. This research will analyze three different court decisions, namely Decision Number 4/Pid.Sus/2022/PN Tte, Decision Number 39/Pid.Sus-Child/2021/PN Mks, and Decision Number 12/Pid.Sus/2022/PN Soe, each of which shows variations in law enforcement against the crime of child maltreatment. These three decisions will be compared to understand the differences in the application of the law as well as how Islamic law can play a role in similar cases.

The purpose of this research is to provide practical recommendations for law enforcement and policy makers in improving legal protection for children in Indonesia. In addition, it is hoped that this research can be a reference in efforts to reform the national criminal law, especially in terms of the application of Islamic legal principles oriented towards restorative justice and victim protection. Thus, this research is not only relevant for legal practitioners, but also for academics and policy makers who are interested in developing a more effective and equitable legal system.

METHOD

This research uses normative juridical method with the approach of legislation, restorative justice, and Islamic law. This method was chosen to comprehensively analyze the application of law in cases of criminal mistreatment of minors. The research was conducted through literature study and analysis of relevant legal documents, including three court decisions as case studies: Decision Number 4/Pid.Sus/2022/PN Tte, Decision Number 39/Pid.Sus-Child/2021/PN Mks, and Decision Number 12/Pid.Sus/2022/PN Soe (Utama et al., 2021). The statutory approach is used to understand the positive legal foundations that apply to child protection in Indonesia, while the restorative justice approach aims to explore the possibility of restoring the relationship between perpetrators and victims and its impact in the criminalization process. Meanwhile, the Islamic law approach is used to examine alternative perspectives based on sharia values, especially related to the concepts of justice and child protection in Islam. Through this combination of approaches, the research is expected to provide a more in-depth and comprehensive view of the effectiveness of law enforcement as well as the potential integration of Islamic law principles in the national legal system to improve child protection in Indonesia (Efendi & Ibrahim, 2016).

The analysis steps in this study involved several stages, namely:

1. Inventory of Legal Materials: Collecting relevant primary and secondary legal materials, such as laws, court decisions, books, journal articles, and other relevant documents. This data will be analyzed systematically to answer the research questions that have been formulated.

2. Legal Analysis: Conducting a normative analysis of the legal materials that have been collected. In this stage, interpretation of laws and court decisions was conducted to determine the extent of their application in cases of child maltreatment. In addition, a comparison with the concept of Islamic law was also conducted to evaluate the compatibility between the principles of positive law and the values of Islamic law.

3. Comparative Approach: Applying a comparative approach to compare law enforcement in positive law and Islamic law. This research explores how the two legal systems regulate and sanction cases of child abuse, as well as the advantages and disadvantages of each approach.

4. Drawing Conclusions: Based on the results of the analysis and comparison, conclusions will be drawn regarding the effectiveness of law enforcement in providing protection to children. Recommendations will also be provided to improve the implementation of positive law by considering the values adopted in Islamic law.

This research does not involve respondents or field data because all data used is sourced from written documents that are already available. As a normative research, the main tools used

in the analysis are laws, decision documents, and related literature (Sucia & Deswari, 2024). The research was conducted through online review, by accessing digital resources in libraries, legal databases, and court archives. By using this normative legal research method and literature study, it is hoped that the research can provide an in-depth view of the application of positive law and the potential integration of Islamic legal values in strengthening child protection in Indonesia.

RESULTS AND DISCUSSION

The results of the analysis are based on three court decisions analyzed, namely Decision Number 4/Pid.Sus/2022/PN Tte, Decision Number 39/Pid.Sus-Child/2021/PN Mks, and Decision Number 12/Pid.Sus/2022/PN Soe. These scientific findings include differences in the application of the law, the effectiveness of sanctions, as well as the perspective of Islamic law that can contribute to the criminal law system in Indonesia.

Application of Positive Law in Cases of Child Maltreatment

The analysis of three court decisions involving child maltreatment shows that there are variations in the application of positive law in Indonesia. Although all of the cases involved the crime of child maltreatment, the sanctions imposed on the perpetrators showed significant differences. This reflects inconsistencies in law enforcement, which can affect public perceptions of justice and the effectiveness of the legal system.

a. Decision Number 4/Pid.Sus/2022/PN Tte

In this case, the defendant was sentenced to nine years in prison for his involvement in the maltreatment that caused the death of a child. Based on Article 80 paragraph (3) of the Child Protection Law, acts that result in the death of a child are indeed subject to severe sanctions, namely a maximum imprisonment of 15 years and/or a maximum fine of IDR 3 billion. In this case, the nine-year sentence is considered to be in line with this provision, reflecting the judiciary's efforts to strictly enforce the law against perpetrators of fatal acts of violence.

However, questions arise as to whether the punishment given is sufficient to provide a deterrent effect and prevent similar cases from occurring in the future. Given the severity of the punishment, there should be an effort to ensure that the punishment is not only retributive, but also encourages behavioral change and a decrease in the rate of violence against children. Often, the punishment imposed focuses more on retribution, while the deterrent effect is not fully achieved, especially if it is not accompanied by a rehabilitation program or psychological intervention for the perpetrator that can prevent similar acts of violence from occurring.

b. Decision Number 39/Pid.Sus-Anak/2021/PN Mks

In this case, the defendant was a 17-year-old child who was involved in the crime of maltreatment that caused the death of the victim. The defendant was sentenced to six years imprisonment. This decision took into consideration the status of the defendant as a child, so the sentence imposed was lighter than the sentence for adult perpetrators, as a form of application of the principle of juvenile justice. Positive law in Indonesia, in accordance with Law No. 11/2012 on the Juvenile Criminal Justice System, regulates that juvenile offenders need to be treated differently, with an approach that prioritizes rehabilitation and recovery (Putri, 2023).

However, a dilemma arose in the handling of this case. On the one hand, the defendant received a reduced sentence due to his status as a child, who is still considered to be in a developmental stage and needs an opportunity to improve himself. On the other hand, the victim was also a child who lost her life as a result of the defendant's actions. This raises a debate as to whether a significant reduction in sentence for a juvenile offender takes into account justice for the victim and her family. Consideration of the balance between

rehabilitation of the offender and justice for the victim remains a controversial issue, especially in cases that result in loss of life.

c. Decision Number 12/Pid.Sus/2022/PN Soe

This case involved light maltreatment of a child, for which the defendant was sentenced to six months imprisonment. This sentence is in accordance with Article 80 paragraph (1) of the Child Protection Law, which provides sanctions for acts of light maltreatment. In the context of positive law, this verdict may be considered proportional to the severity of the act committed by the defendant. However, many question whether this relatively light sanction is able to provide adequate justice for the victim and a deterrent effect for other potential perpetrators.

The main criticism of lenient sentences in child maltreatment cases is that they may not provide enough justice for the victim or the victim's family. In addition, in some cases, lenient sanctions may send the wrong message to society that child maltreatment is considered a less serious offense. This can affect the overall effectiveness of law enforcement in reducing levels of violence against children (Wahab, 2023).

From the analysis of the three decisions above, it can be concluded that the application of the Child Protection Law has not been fully consistent. Although the law provides a strong foundation to protect children from violence, in practice there are significant variations in the imposition of sanctions. Some of the factors that influence this difference include the age of the perpetrator, the severity of the criminal offense, and considerations of rehabilitation for child perpetrators (Waluyo, 2017). The first and second cases show how the severity of the sanction is influenced by the end result of the violent act, namely the death of the victim, while the third case highlights how maltreatment that does not lead to fatal consequences is often given a lighter sentence. In addition, cases involving children as perpetrators also add complexity to sanctions as there is a requirement to treat child perpetrators with a different approach, prioritizing rehabilitation over retribution.

Overall, although the legal objective to provide protection for children is clear in the legislation, its implementation still faces challenges, especially in terms of consistency of sanctions and differential treatment depending on the age of the perpetrator. The importance of reviewing sentencing policies and the application of restorative justice principles in positive law needs to be considered to ensure that the legal system is able to meet society's expectations for justice and more effective crime prevention.

Sanction Effectiveness and the Purpose of Punishment

Criminal sanctions in law aim to punish the perpetrator, provide a deterrent effect, protect the community, and rehabilitate the perpetrator so that they can return to normal functioning in society (Ceysa et al., 2024). However, in cases of child maltreatment, the effectiveness of the sanctions imposed is often questioned. The scientific findings from the analysis of the three decisions show that although sanctions have been imposed in accordance with applicable legal regulations, the effectiveness of these sanctions in achieving the objectives of punishment remains a complex and controversial issue.

The nine-year prison sentence imposed in the first case can be considered an attempt to provide a deterrent effect, both to the perpetrator and to society at large. The deterrent effect is one of the objectives of punishment which serves to prevent perpetrators from committing similar acts in the future and provides a clear message to the community that violence against children will not be tolerated. However, several studies have shown that the deterrent effect is often not achieved by simply imposing severe penalties (Silalahi, 2024).

The study of Setiyawan et al. (2023) states that the deterrent effect depends more on the perceived risk of arrest and punishment than on the severity of the punishment itself. This means that if the public or potential offenders do not feel that they are likely to be caught or

punished, the severity of the punishment will not have much effect in preventing crime. In addition, another study by Sherman et al. (1997) found that retributive punishments, such as imprisonment, are not always effective in reducing violence, especially if the offender comes from a violent social background or has a history of unresolved childhood trauma.

Social and psychological factors of the offender also influence whether punishment can have a deterrent effect (Subhan & Michael, 2024). In cases of child maltreatment, offenders who may have been raised in a harsh environment or experienced violence in their childhood may not respond to punishment in the expected way. Severe punishment in the absence of rehabilitation programs or psychological interventions may cause the offender to become more aggressive or even reoffend after completing their sentence. Therefore, a punitive approach that focuses solely on retribution may not be sufficient to effectively reduce the rate of violence against children (Zaidan, 2016).

In the second case, the defendant was a 17-year-old boy who was sentenced to six years in prison for his involvement in the maltreatment that led to the death of a child. Indonesian juvenile criminal law prioritizes a rehabilitation approach, which aims to help children develop social skills, understand the impact of their actions, and reduce the risk of reoffending (Nursafitri, 2024). According to the Law on Juvenile Justice System, this approach is more humane than conventional prison sentences that tend to be retributive in nature.

Several studies support the importance of rehabilitation for children in conflict with the law. Prisilla et al. (2020) showed that rehabilitative programs that focus on mental recovery and social skills development are more effective in preventing children in conflict with the law from re-offending. Rehabilitation also provides opportunities for children to understand the impact of their actions and learn how to behave better. Therefore, a prison sentence without a rehabilitation program can have a negative impact on a child's development, such as psychological disorders, social stigma, and loss of educational opportunities.

The rehabilitation approach also reflects the principle of juvenile justice, which recognizes that children have a greater capacity to change and develop than adults. This is based on the idea that children's behavior is more influenced by their environment and developmental conditions. Thus, providing rehabilitation opportunities for children in conflict with the law can be a more effective and equitable solution than simply imposing a prison sentence.

One of the important objectives of punishment is to provide justice for victims. However, in cases of child maltreatment, there is often dissatisfaction on the part of the victim or the community with the sanction imposed. In the third case, where the defendant was sentenced to six months imprisonment for light maltreatment, many questioned whether the sentence was sufficient to provide justice for the victim. Relatively light sanctions can be considered disproportionate to the suffering experienced by victims, especially in cases that cause physical injury or psychological trauma.

Justice for victims is not only about punishing perpetrators, but also involves recognizing the harm suffered by victims and working to restore them. In many cases, an overly lenient approach to criminal sanctions can give the impression that violence against children is not a serious offense. This can undermine public confidence in the criminal justice system and affect efforts to enforce more effective protection for children. In addition, lenient sanctions do not encourage perpetrators to take full responsibility for their actions.

Some countries have adopted restorative justice models to deal with similar cases, where the focus is not only on punishment but also on restoring the victim and the community. In the context of child maltreatment, this approach can involve compensation to the victim, mediation between the perpetrator and victim, as well as rehabilitation programs designed to repair the damage that has been done. Such an approach is expected to provide a more balanced justice, where the interests of the victim, perpetrator and community can be met together (Mulia, 2024).

It can be concluded that the effectiveness of sanctions in cases of child maltreatment depends on the approach taken in the sentencing process. Sanctions that only focus on retributive punishment may not provide the expected deterrent effect, especially if not accompanied by rehabilitation efforts. Rehabilitation should be an integral part of sentencing, especially in cases involving child perpetrators, to ensure that sentencing serves not only as a punishment but also as a means of recovery and social reintegration.

In addition, to ensure justice for victims, a more comprehensive approach to sentencing is needed. This could include compensation, victim rehabilitation programs, as well as the application of restorative justice principles to achieve more balanced outcomes. This is critical to strengthening the criminal justice system to be more responsive to the needs of victims, offenders and society as a whole.

Comparison with Islamic Law: A Restorative Justice Approach

Islamic law offers a different perspective in dealing with cases of child abuse. The principle of restorative justice in Islamic law emphasizes restoring the condition of victims and perpetrators as well as efforts to achieve reconciliation between the two parties. This approach can be an alternative solution in the Indonesian legal system, especially in cases involving children as perpetrators (Mulia, 2024).

a. Principles of Diat and Qisas: In Islamic law, there are concepts of diat (compensation) and qisas (punishment proportional to the act) that can be applied in cases of violence. This concept allows for compensation to be given to the victim's family, which will help to heal the aftermath of the crime. Diat can also reduce social conflict by providing an opportunity for perpetrators to show remorse and responsibility for their actions (Thorik et al., 2024).

b. Restoration-Based Justice: In Islamic law, justice is not only aimed at punishing the offender, but also at repairing social relationships damaged by the criminal offense. For example, in cases where the offender and victim are from the same community, this approach can help prevent ongoing grudges. Research by Parasdika et al. (2022) mentioned that the application of restorative justice in Islamic law has successfully reduced the level of violence in several countries that use this legal system hybridly.

The Influence of Social and Cultural Factors in Law Enforcement

Law enforcement is not only influenced by the applicable legal regulations, but also by the social and cultural factors that surround the society in which the law is applied. In the context of child maltreatment cases, various social and cultural norms can influence how the law is enforced and accepted by society. Although Indonesia has a Child Protection Law, namely Law No. 23 of 2002 which has been amended through Law No. 35 of 2014 and Law No. 17 of 2016, the application of this law often faces significant challenges due to social and cultural factors.

In many parts of Indonesia, violence against children is still considered an acceptable form of discipline, especially in the family context. This perception is based on the traditional belief that acts of violence, such as hitting or pinching, are part of the way to teach children to be disciplined. This is reinforced by a patriarchal culture that assumes that parents have full authority over children, including in terms of the application of physical discipline. A permissive attitude towards violence can reduce the effectiveness of law enforcement, as many cases go unreported or are not considered criminal offenses by the surrounding community.

The Child Protection Law, specifically Article 13 paragraph (1), states that every child has the right to protection from physical and psychological violence, exploitation, neglect, and torture. However, if people still have the view that mild violence is normal in educating children, then law enforcement becomes difficult to implement effectively. Violence that is

considered part of the culture of discipline can hinder the reporting of cases of violence against children and cause victims to not receive proper protection.

Studies by UNICEF show that in some parts of Indonesia, physical violence against children is still often perceived as a legitimate method of education. This perception is stronger in areas with low levels of education and limited access to information on child rights and legal protection. Therefore, there is a need for intensive education and socialization campaigns to change people's perceptions, so that violence against children is no longer seen as normal and acceptable.

Social and religious institutions have a very important role in influencing community attitudes towards child abuse and law enforcement. These institutions can be agents of change in educating the public about children's rights and adults' obligations to protect them from violence. The role of religious institutions, for example, is particularly relevant in the context of Indonesia, a predominantly Muslim country. In Islamic law, violence against children is not justified, and children should be treated with compassion and protected from all forms of harm. These principles are reflected in various Islamic teachings, which require parents to educate children with gentleness and not use violence as a means of discipline.

Religious institutions can support the effective implementation of Islamic law, especially in the settlement of out-of-court cases based on sharia principles. One example is the use of mediation mechanisms involving religious leaders to resolve conflicts between perpetrators and victims of child abuse. This kind of resolution can help create an agreement that is more acceptable to the community, because it is accompanied by a moral and religious approach. In addition, the involvement of religious leaders can also have a strong influence in changing people's views on child abuse and encourage more effective application of the law.

In addition, other social institutions, such as child protection organizations and non-governmental organizations (NGOs), can act as supervisors of the implementation of the law and advocates for victims of child abuse. These organizations can provide legal assistance, counseling, and rehabilitation programs for victims and perpetrators, which aim to minimize the negative impact of violence and prevent recurrence. For example, NGOs such as the Indonesian Child Protection Commission (KPAI) are often involved in assisting cases of child abuse and providing recommendations to law enforcement officials to ensure that the protection of children is maximized in accordance with applicable laws and regulations.

Socioeconomic factors also affect the effectiveness of law enforcement in cases of violence against children. Children living in environments with high levels of poverty are more vulnerable to becoming victims of violence, both within the household and in the community. Poverty is often an excuse for parents or guardians to use violent means of disciplining their children, as a result of the life pressures and frustrations they experience. In addition, limited access to legal and social services also makes it difficult for victims from economically disadvantaged groups to report cases of violence or obtain adequate protection.

Law No. 11/2009 on Social Welfare emphasizes the importance of protecting children from poor families. However, the implementation of this law still faces various challenges, especially in terms of providing facilities and programs that can help poor families overcome their social problems without having to use violence against children as a way of discipline. Therefore, social interventions in the form of family economic empowerment and improved access to social services should be prioritized to reduce the risk of child abuse.

The patriarchal culture that is still strong in most Indonesian communities also affects law enforcement in child abuse cases. In a patriarchal culture, children are often considered as the property of the parents, where parents have full authority to determine how to discipline their children, including through violence. This can lead to domestic violence being perceived as a private matter that does not need intervention from outside parties, including law enforcement officials.

Law No. 23/2004 on the Elimination of Domestic Violence (PKDRT Law) has actually regulated the protection of children in the context of households. Article 5 of the PKDRT Law states that every person is prohibited from committing physical, psychological, sexual violence or neglect against their family members. However, the implementation of this law is often hindered by community attitudes that consider legal interference in household affairs as a form of violation of family privacy. To overcome this cultural barrier, a more integrative approach is needed, involving traditional leaders and community leaders in law enforcement efforts. These figures can act as intermediaries who bridge between customary norms and formal law, so that the community can accept legal intervention without feeling that their cultural values are being violated.

Analysis of a case involving the maltreatment of a minor by a parent in Soe District Court

In the case of maltreatment committed by the defendant against his minor biological child in the Soe District Court decision, there are strong indications that the background of this violence was influenced by internal family factors. Acts of violence committed by parents against their own biological children are of serious concern because they contradict the values of child protection regulated in positive law and Islamic law. Factors such as emotional instability, economic conditions, and lack of knowledge about proper parenting may have played a role in encouraging violence.

Law enforcement in this case is faced with a dilemma regarding the imposition of sanctions aimed at providing a deterrent effect for the perpetrator while restoring the condition of the victim who still has a direct relationship with the perpetrator. The punishment imposed by the judge needs to be evaluated in terms of justice and proportionality. In Islamic law, the protection of children is a highly emphasized obligation. Violence against children is not only considered a violation of the law, but also a betrayal of the mandate carried by parents. Islamic legal approaches, such as the principle of restorative justice, have the potential to be applied to restore the victim's condition and provide rehabilitation opportunities for the perpetrator, while still considering the rights of children who must be protected.

Analysis of a case involving maltreatment that resulted in death in Tte District Court

The case of maltreatment causing the death of a minor in the decision of the Tte District Court reflects a more extreme form of violence, where the child as the victim lost his/her life due to the actions of the perpetrator. This case shows the importance of parental supervision and the influence of the social environment on violent behavior. Lack of parental supervision, social deviations, and the influence of social media are thought to have played a role in shaping destructive behavior in perpetrators.

The impact of this incident was very severe for the victim's family, especially because they lost their beloved child. Law enforcement in this case must consider the balance between justice for the victim and the deterrent effect for the perpetrator. The punishment imposed by the judge needs to be assessed whether it is proportional to the impact of the loss experienced by the victim's family. In the perspective of Islamic law, this case can be viewed through the principle of qisas, where justice is upheld with a punishment commensurate with the crime. In addition, compensation can also be considered as a form of recovery for the victim's family. The application of these principles in the national legal system is expected to provide a more comprehensive sense of justice for all parties involved.

Analysis of a case involving maltreatment that resulted in death in District Court Mks

The case of maltreatment in PN Mks, which also led to the death of a minor, highlights similar issues related to the influence of the social environment and weak parental supervision. Factors such as social pressure, negative associations, and the adverse impact of social media

may have triggered violent behavior in the perpetrators. This shows that preventive measures through education and family guidance are essential to prevent harmful actions against children.

The family of the victim in this case certainly experienced severe emotional distress due to the tragic loss of their child. The sentence imposed by the judge needs to be evaluated whether it fulfills a sense of justice for the victim's family and provides a sufficient deterrent effect to prevent similar acts in the future. Islamic law emphasizes equal justice between the perpetrator and the victim, especially in cases involving loss of life. The principle of qisas in Islamic law can be used to uphold equal justice, by allowing for a punishment that is commensurate with the impact of the perpetrator's actions. In addition, diat as compensation for the victim's family is also an important consideration for their recovery. This approach emphasizes the importance of a balance between punishment and redress as a comprehensive form of justice, which can improve the effectiveness of law enforcement as well as prevent the occurrence of child maltreatment in the future.

Recommendations for the Development of National Criminal Law

Based on the findings above, several recommendations can be made to improve law enforcement in cases of violence against children in Indonesia:

- a. Integration of Islamic Law Principles in National Law: Considering the large influence of Islamic law in Indonesia, some principles such as diat and qisas could be adapted in national criminal law as a form of restorative justice complementary to positive law.
- b. Improving Rehabilitation Programs for Child Offenders: Rehabilitation programs that focus on mental and social development for juvenile offenders should be improved. This can help reduce recidivism rates and provide opportunities for offenders to contribute positively to society.
- c. Public Education on Violence against Children: Raising public awareness about the dangers of violence against children and the importance of protecting their rights is an important step to support more effective implementation of the law.
- d. Revise the Child Protection Law to Strengthen Sanctions: Although the child protection law already exists, it needs to be reviewed to strengthen sanctions for perpetrators of serious violence against children, so as to provide more optimal protection.

CONCLUSION

This study aims to analyze and compare law enforcement in cases of criminal mistreatment of minors from the perspective of positive law and Islamic law. The results show that the application of positive law in Indonesia, despite having a strong foundation through the Child Protection Law, still faces challenges in terms of consistency of sanctions and effectiveness of punishment. In some cases, the penalties imposed do not always reflect justice for victims or a deterrent effect for perpetrators. Cases involving child offenders highlight the need for a more rehabilitation-focused approach to reduce the risk of recidivism and provide opportunities for recovery for child offenders.

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